limitations of this in the by-laws of the company or elsewhere are binding on innocent third persons who deal with him as the representative of his company. 2 Cook on Corp. § 725; White Hall Co. *v.* Hall, 102 Va. 284, 46 S. E. 290; Moyer *v.* East Shore Ter. Co., 19 S. E. 651, 41 S. C. 300, 44 Am. St. Rep. 709, 25 L. R. A. 48, and note; Rathbun *v.* Snow, 25 N. E. 379, 123 N. Y. 343, 10 L. R. A. 355, and note.

In the case last cited it is said: "It follows from the general principle, now well settled, to the effect that third persons may act upon the apparent authority conferred by the principal upon the agent, and are not bound by secret limitations or instructions qualifying the terms of the written or verbal appointment, that the defense based upon the limitation in the by-laws of the company, of which the plaintiff had no knowledge, cannot be sustained. By-laws of business corporations are, as to third persons, private regulations binding as between the corporation and its members or third persons having knowledge of them, but of no force as limitations per se, as to third persons, of an authority which, except for the by-laws, would be construed as within the apparent scope of the agency"—citing Fay *v.* Noble, 12 Cush. (Mass.) 1; Mechanics & F. Bk. *v.* Smith, 19 Johns. (N. Y.) 115; Smith *v.* Smith, 62 Ill. 493; 2 Morawetz, Priv. Cor. § 593.

Upon the whole case, we are of opinion that the appellants have the right, under their contract with the appellee, to conduct a hotel business in the building erected by them on the leased premises, and also to sell intoxicating liquors on such premises, provided, of course, they are licensed to do so by the proper authority.

For these reasons, the decree appealed from must be reversed, the injunction granted dissolved, and the bill filed by appellee dismissed.

DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

COMMONWEALTH et al. *v.* TRUSTEES OF HAMPTON NORMAL & AGRICULTURAL INSTITUTE.

March 14, 1907.

[56 S. E. 594.]

1. Taxation—Exempt Property—Educational Institutions—Charters—Effect.—Acts 1869-70, p. 165, c. 122, § 10, provides that any

property held by the Hampton Normal & Agricultural Institute for its legitimate purpose shall be exempt from public taxes so long as any property held by any other institution of learning in Virginia for its legitimate purposes is exempt, and whenever a tax shall be laid on the same, if laid at all, it shall not be higher on such institution in proportion to the value of its property than on any other institution of learning in the state. Held, that such provision was not a contract between the state and the institute, by which the latter was exempted from taxes which the state might thereafter levy on the property of other educational institutions of the state, but placed the institute on the same footing on which other educational institutions of the state should or might thereafter be placed by law with reference to taxation.

2. Same—Rented Property.—Const. 1869, art. 10, § 3, provides that the Legislature may exempt all property used exclusively for state, county, municipal, benevolent, charitable, educational, or religious purposes from taxation. Held, that land rented to a national soldiers' home and to an electric railway company for a right of way by an educational institution, together with houses and lots rented out for a profit, were not exclusively used for educational purposes, and were subject to taxation, though the rentals derived therefrom were devoted to the educational purposes of the institution.

3. Same—Work for Compensation.—Const. § 183 [Va. Code 1904, p. cclxvii], provides that the exemption of educational institutions from taxation conferred by subsection "d" shall not apply to any industrial school, individual or corporate, not the property of the state, which does work for compensation, or manufactures and sells articles in the community in which such school is located, provided, that the school may do work for or sell its own products or any other articles to any of its students or employees. Held, that such section did not prohibit an agricultural institute from selling its surplus agricultural products, such as milk, butter, and eggs, without losing its exemption.

4. Same.—The sale of articles manufactured at such institute in the market of Newport News, located eight or nine miles from such institute, did not constitute a sale in the same "community," within such section, though the institute and the city were connected by an electric railway.

5. Same—Dairy Farm—Operation—Taxable Property.—Const. § 183, subsec. "g" [Va. Code 1904, p. cclxvii], provides that whenever any building or land, or part thereof, mentioned in such section, and not belonging to the state, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land in the same county, city, or town. Held, that where an agricultural institute maintained a model dairy farm for the purpose of scientific instruction, a large part of the products thereof

being consumed within the institute, and the revenue derived from marketing the surplus being devoted to the support of the school as a mere incident, and the state did not show what part of such property constituted a source of revenue as distinguished from that which was solely devoted to educational purposes, neither the farm nor its products were subject to taxation.

BOARD OF SUP'RS OF ELIZABETH CITY COUNTY *v.* CITY OF NEWPORT NEWS.

March 21, 1907.

[56 S. E. 801.]

1. Taxation—Corporations—Assessment—Apportionment—Review.—Where a street railway company did not contest a determination of the State Corporation Commission apportioning certain of its personal property for taxation between a city and a county, Code 1904, §§ 573a, 3454, prohibiting an appeal from the judgment of the State Corporation Commission ascertaining the value of any property of a railroad for the purpose of taxation and assessing taxes thereon, did not preclude the county from maintaining a writ of error against the city to review such apportionment.

2. Same—Proceeding by County.—Where the State Corporation Commission apportioned certain personal property of a railroad company for taxation between the city and the county, the latter was entitled to institute an original proceeding before the Commission to have such apportionment reconsidered and corrected.

3. Same—Electric Railways—Rolling Stock—Place of Taxation.—Where an electric railway operating through several cities and towns had its principal place of business in plaintiff county, its entire rolling stock was taxable there.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 45, Taxation, § 463.]

TOWN OF WEST POINT *v.* BLAND et al.

March 21, 1907.

[56 S. E. 802.]

1. Dedication—Requisites—Intent.—In order to constitute a dedication of land to the public for a street, there must be an intention to appropriate the land for the use and benefit of the public.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 15, Dedication, § 13.]

2. Corporations—Authority of Officers—Dedication of Land.—Neither the president, the general manager, nor agents of a corpora-